

MINUTE ITEM

This Calendar Item No. C01 was approved as Minute Item No. 01 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

CALENDAR ITEM

C01

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PRC 4473

02/09/06
WP 4473.9
R. Barham

RECREATIONAL PIER LEASE

APPLICANTS:

Charles Louis Brochard and Candace Lee Brochard, Trustees of the Brochard Family Trust under agreement dated May 16, 1996; Victor A. Brochard and Barbara Brochard, as Trustees, or any successor Trustee of the Brochard Family Trust under amended and restated agreement dated November 22, 1996; Christine Aline Brochard; Philip Thomas Brochard; and Victor Albert Brochard as custodian for Colin B. Brochard

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, near Tahoma, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and the retention of one existing mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning April 26, 2005.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000.

Other:

This lease is conditioned on the Applicants obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoy within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS

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OTHER PERTINENT INFORMATION:

1. Applicants own the upland property adjoining the lease premises.
2. On February 27, 1995, the Commission authorized a Recreational Pier Lease with Charles Louis Brochard, Victor Albert Brochard, Candace Brochard and Barbara Brochard. That lease expired on April 25, 2005. The property ownership has since transferred to Charles Louis Brochard and Candace Lee Brochard, Trustees of the Brochard Family Trust under agreement dated May 16, 1996; Victor A. Brochard and Barbara Brochard, as Trustees, or any successor Trustee of the Brochard Family Trust under amended and restated agreement dated November 22, 1996; Christine Aline Brochard; Philip Thomas Brochard; and Victor Albert Brochard as custodian for Colin B. Brochard. Applicants are now applying for a new Recreational Pier Lease. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
3. **Existing Pier:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. **Existing Buoy:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 Title (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

Buoy: Tahoe Regional Planning Agency

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXISTING PIER: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

EXISTING BUOY: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

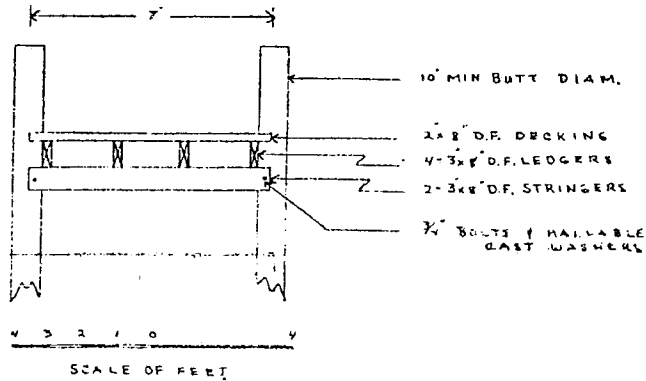
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

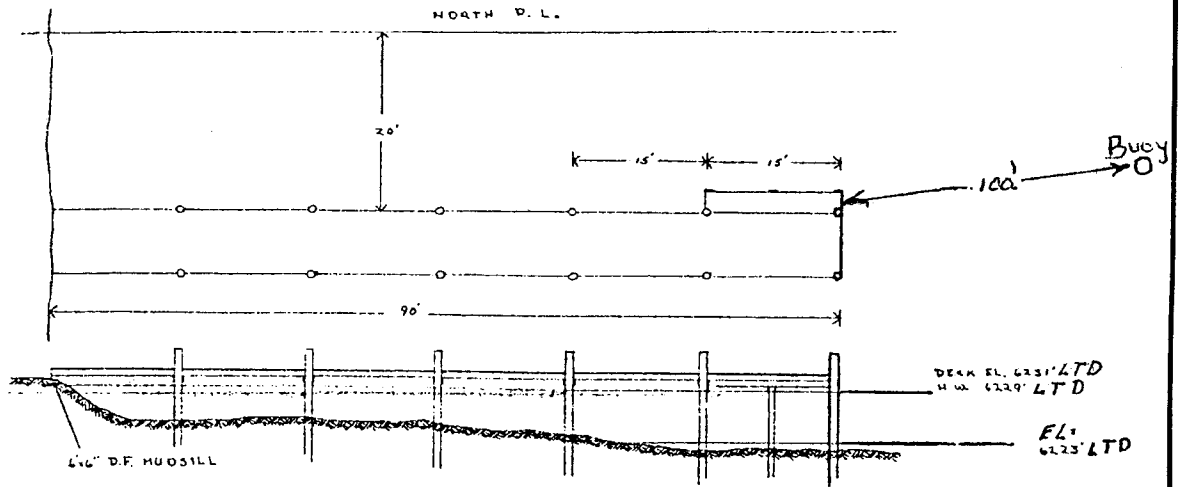
AUTHORIZE ISSUANCE TO CHARLES LOUIS BROCHARD AND CANDACE LEE BROCHARD, TRUSTEES OF THE BROCHARD FAMILY TRUST UNDER AGREEMENT DATED MAY 16, 1996; VICTOR A.

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BROCHARD AND BARBARA BROCHARD, AS TRUSTEES, OR ANY SUCCESSOR TRUSTEE OF THE BROCHARD FAMILY TRUST UNDER AMENDED AND RESTATED AGREEMENT DATED NOVEMBER 22, 1996; CHRISTINE ALINE BROCHARD; PHILIP THOMAS BROCHARD; AND VICTOR ALBERT BROCHARD AS CUSTODIAN FOR COLIN B. BROCHARD OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING APRIL 26, 2005, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER AND THE RETENTION OF ONE EXISTING MOORING BUOY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.



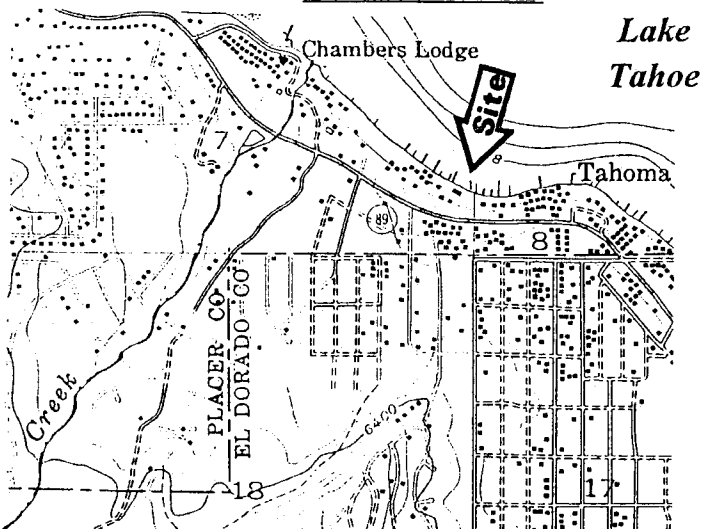
NO SCALE



6740 W. LAKE BLVD

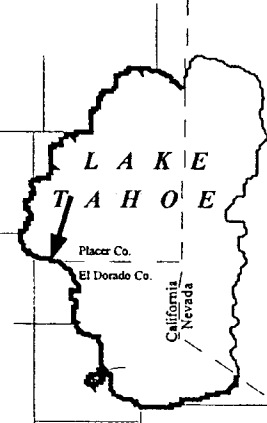
LOCATION MAP

NO SCALE



Lake
Tahoe

EXHIBIT "A"
PRC 4473.9
APN 98 - 180 - 13
Lake Tahoe
PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

RWB 10/05

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